

APPROVED: Meeting No. 31-90

ATTEST: *Sharon H. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 29-90

July 9, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on July 9, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Viola D. Hovsepian

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle

Councilmember James T. Marrinan

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Re: City Manager's Report

1. Tomorrow, from 11:30 a.m. to 1:00 p.m., there will be a reception in connection with the 1990 summer teen outdoor mural project at the Senior Center.

2. The City continues to receive letters regarding the Ritchie Parkway wetlands mitigation project. Staff is compiling and finalizing answers to all questions posed by residents. This list will be provided to all interested parties upon completion.

Councilmember Robbins asked if another worksession was planned for the wetlands mitigation project. Mayor Duncan responded that the Mayor and Council would have a short worksession following the meeting on July 23, and that another public informational meeting would be held shortly after Labor Day when most residents would have returned

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from vacation.

3. The formal opening of the home at the former Red Barn site will be celebrated on July 30, at 5:00 p.m.

4. The in-house recycling program has been very successful in terms of employee participation and has also generated \$450 of income during its first month of operation.

Councilmember Hovsepian congratulated City Manager Bruce Romer on his designation as a Paul Harris Fellow by Rotary International. She noted that she was present when Mr. Romer received the award and, to mark the occasion, the Rotary Club of Rockville contributed \$1,000 in Mr. Romer's name to Rotary International which uses contributions to fund projects and programs that enhance world understanding and peace.

Re: Presentation of certificates
to player members of 1990 City
of Rockville Youth Softball
Championship teams.

Members of the following three youth softball championship teams were presented with certificates of achievement: the Beall Exterminators coached by Pat Brown; the Blue Jays coached by Gene Thirolf and the Frost team coached by Joe Sperling.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. John Freeland, President of the Rockville Chamber of Commerce, presented the Mayor and Council and staff with the Chamber's 1990-1991 Community Guide. Mr. Freeland referenced Mayor Duncan's letter to Chamber members which states, "The annual Chamber Guide is filled with examples of the partnership between the government, its citizens and businesses. The Guide is a valuable resource for all and a tremendous service to the community."

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Mayor Duncan expressed to Mr. Freeland the City's appreciation for the Rockville Chamber of Commerce's assistance with the TGIF concerts being held in Town Center.

2. Michael Patterson, 500 Meadow Hall Drive, addressed two concerns. First, he noted the inconsistent manner in which the Metro Center parking garage is staffed and fees are collected. Mayor Duncan responded that the City has received a number of complaints regarding the parking garage, and such complaints are being transmitted to the management company responsible for its operation.

The second area of concern is the Park and Planning Commission's recent decision to alter their practice of the past 23 years of mowing the area of Rock Creek Stream Valley Park behind Twinbrook Forest Condominiums. Mr. Patterson went on to state that this situation has presented problems in connection with neighborhood home sales and has attracted rodents and snakes to the area. He requested the assistance of the Mayor and Council to encourage the Park and Planning Commission to reinstate their practice of mowing this area. Mayor Duncan indicated that a letter would be forwarded to Park and Planning to this effect.

3. William Meyer, 804 Leverton Road, referenced Item 9 on the agenda, adoption of ordinance to extend Ritchie Parkway, and asked how the commencement of construction would affect the identification of wetlands mitigation. The City Manager responded that construction of the roadway is not contingent upon identification of a wetlands mitigation plan and that staff does not view the two issues as being related.

Mr. Meyer inquired as to whether the City or owners of the Tower Oaks site would bear the costs of creation and maintenance of wetlands inasmuch as this was not a factor at the time of the public hearings on the Westmont (Tower Oaks) tract. Mayor Duncan responded that the standard practice is that the developers pay for the costs of the facility and the City is responsible for maintenance. Mayor Duncan went on to state

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that another informational meeting on the wetlands mitigation project will be held in September when most residents have returned from vacation.

As to the progress on Tower Oaks Lake, the City Manager confirmed that staff will be following up with citizen input.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, John W. Short was appointed to a two-year term on the Retirement and Disability Board.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Mayor Duncan abstaining, the minutes of Meeting No. 28-90 (June 25, 1990) were approved, as written.

Re: Consent Agenda

Items B, D and E were removed from the Consent Agenda at the requests of Councilmember Robbins, Councilmember Hovsepian and Mayor Duncan, respectively. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 116-90 for purchase of Electronic Automotive Engine Analyzer from Auto Test Products, Ltd. for the low bid amount of \$30,420.

This equipment will facilitate maintenance of the new high-tech gasoline and diesel engines.

- C. Purchase from Motorola Communications and Electronics Company of eleven portable FM two-way radios and ancillary equipment for the low bid price of \$20,632.79. The budget amount is \$23,000.

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The Police Department is continuing to upgrade and replace outdated portable radios. The radios to be purchased will be individually assigned to officers to increase effectiveness, longevity and safety while decreasing repair costs.

- F. Adoption of various amendments to the Pension Plan recommended by the Retirement and Disability Board.
- G. Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville to include 3.39734 acres of land, more or less, of the Mayor and Council of Rockville (X-109-90).

This property represents the only portion of Redgate Golf Course which is not currently within the city limits.

Re: Award of Bid No. 115-90, Swim Center Renovation Phase II, to Smith & Haines, Inc., in the amount of \$1,183,600.

The \$1,405,000 design and construction budget is CIP funded by GOB funds; \$67,085 was expended in FY90 for design and engineering.

Councilmember Robbins had asked to have this item (B) removed from the Consent Agenda. In response to his question as to the time frame associated with the renovation, staff advised Councilmember Robbins that the construction period would approximate nine months, beginning in September. The new facility would hopefully be ready for the next summer season. Some of the new features of the facility, such as an in-water whirlpool and zero-depth access for handicapped, were highlighted.

In response to Mayor Duncan, staff noted that the City would be saving approximately \$150,000 over the original estimates for the project.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed,

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Bid No. 115-90 was awarded to Smith & Haines, Inc. in the amount of \$1,183,600 for Swim Center Renovation Phase II.

Re: Approval of "Offer of Agreement" contract with Dexter M. Bullard, Jr.

Staff has negotiated this agreement for the acquisition of 188 square feet of right-of-way needed for the improvement of West Montgomery Avenue at a purchase price of \$1,550.

Councilmember Hovsepien had requested that this item (D) be removed from the Consent Agenda in order to inquire as to the average fee for settlement for the right-of-way acquisitions for West Montgomery Avenue. The City Manager responded that the City has not incurred any out-of-pocket costs inasmuch as title insurance has not been purchased for these small acquisitions and the City is not subject to transfer tax.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Offer of Agreement with Dexter M. Bullard was approved.

Re: Preliminary Review - Text Amendment Application T-111-90, Farid Srour, Applicant.

Amendment to Zoning Ordinance to increase the dwelling unit density permitted in the O-1, Office Zone.

Regarding Item E from the Consent Agenda, Mayor Duncan commented that, in a previous worksession, the Mayor and Council had indicated that they were not favorably disposed to proposals which exceed the current zoning requirements. He asked if it was the Council's desire to accept the application for processing and referral to the Planning Commission. Mayor Duncan stated that he did not support more than doubling the density of units in the O-1 Zone without good reason. Staff responded that maintaining

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the current development standards of no more than 75 feet in height and a FAR of 3.0 was emphasized in the earlier worksession. At that time, the Mayor and Council did not indicate whether or not they would consider more density in the buildings without altering the height or FAR standards.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Text Amendment Application T-111-90, Farid Srour, Applicant, was accepted for referral to the Planning Commission.

Re: Adoption of Resolution to provide for public hearing in connection with the annexation of 3.39734 acres of land, more or less, of the Mayor and Council of Rockville (X-109-90).

Resolution No. 18-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 18-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to provide for public hearing on September 17, 1990, in connection with Annexation Petition X-109-90, Mayor and Council of Rockville, Applicant. The subject property represents the only portion of Redgate Golf Course which is not currently within the city limits.

Re: Adoption of Ordinance authorizing construction of Ritchie Parkway roadway between Seven Locks Road and Rockville Pike by special assessment.

Ordinance No. 18-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 18-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to authorize construction of Ritchie Parkway between Seven Locks Road and Rockville Pike by special assessment to include the design, right-of-way

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acquisition and construction of Ritchie Parkway including pavement, median, traffic signals, sidewalks, storm drains and related work.

Re: Adoption of Ordinance authorizing construction of Ritchie Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike by special assessment.

Ordinance No. 19-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 19-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to authorize construction of Ritchie Parkway transmission main and appurtenances between Seven Locks Road and Rockville Pike by special assessment to include the design and construction of water transmission main, fire hydrants, valves and related work.

Re: Adoption of Ordinance to Grant Text Amendment Application T-102-89, Community Ministries of Rockville, Applicant.

Ordinance No. 20-90

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 20-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend the Zoning Ordinance to provide a definition of Personal Living Quarters (PLQ) and to allow this use by special exception in certain commercial, office and industrial zones.

Re: Adoption of Ordinance to Grant Text Amendment Application T-105-90, Robert R. Harris, attorney for Holladay-Tyler Corporation.

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Ordinance No. 21-90

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 21-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend the Zoning Ordinance to allow "ownership lots" and "ownership plats" to be used in all zones except single-family detached and semi-detached zones.

Re: Adoption of Ordinance to Adopt
Zoning Map - Annexation
Petition X-106-89, Joseph A.
Lynott, attorney for SPI
Limited Partnership, Applicant.

Ordinance No. 22-90

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 22-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend the Zoning Map to add 27,137 square feet of property of SPI Limited Partnership and place said property in the I-3, Industrial Park, Zone.

Re: Discussion and Instructions
to Staff - Text Amendment
Application T-106-90, Mayor
and Council of Rockville,
Applicant.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, staff was instructed to prepare Text Amendment Application T-106-90, recodification of the Zoning and Planning Ordinance (Chapter 6) into a new Chapter 25 of the Rockville City Code, for approval by the Mayor and Council.

Re: FYI/Correspondence

Regarding the Fourth of July Celebration, both Councilmember Hovsepian and Mayor Duncan agreed with staff's recommendation to move the starting time back to 8:00 p.m. and focus on patriotic music selections.

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Councilmember Hovsepien noted two letters: from the Rockville Jaycees commending the Recreation and Parks' staff, in particular, Greg Bayor, Burt Hall, Monica Bates, Mikey Clark and Chris Heckhaus, for their efforts in connection with Hometown Holidays; and from Judy Hruz of the Gazette newspapers commending Maureen Carroll of the Public Information Office for her efforts in preparing the Hometown Holidays guide.

Councilmember Hovsepien also mentioned the letters received from Spanish residents expressing appreciation for the articles published in Spanish in Rockville Reports. Councilmember Robbins indicated that he hoped that this service could be expanded, and the Mayor and Council requested that staff do so.

Mayor Duncan expressed his regrets that he would be unable to attend the reception for the students who worked on the mural project at the Senior Center. He requested that a letter be sent to the County Executive regarding the 20854 zip code designator and noted that the proposed letter to the Montgomery County Planning Board regarding Zoning Referral G-634/G-699 was fine.

Re: New Business

In connection with the recycling efforts, Councilmember Robbins noted he had received complaints about the bags intended for grass clippings. He asked staff if it is possible to redesign them to fit into trash cans. Mayor Duncan noted that residents may also use easily opened containers. The City Manager responded that staff will factor these comments in with other input regarding this project.

Regarding the summer playground hours, the City Manager advised that authorization was provided to reinstate the original hours if a serious problem exists. Staff noted that while playground supervisors had received approximately five complaints, only one call had been received in the office regarding the change in hours. It was agreed that no change would be made at this time.

Mayor Duncan referenced Carnival Night to be held on July 11. This event serves as a fundraiser for the summer playground program and he encouraged everyone to attend.

With respect to the intent of the Rockville Housing Authority to purchase the Park Terrace apartments under the public housing program, Mayor Duncan stated that the Rockville Housing Authority has asked that a letter be sent indicating the support of the Mayor and Council for such an acquisition in the City. The City Manager will present further information in the next FYI regarding this matter. A decision can be made at the next Mayor and Council meeting.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:32 p.m., to convene again in Worksession at 7:00 p.m. on July 16, 1990, or at the call of the Mayor.